



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoff BARRETT *et al.*

Appl. No.: 10/664,055

Filed: September 17, 2003

For: **Interrupt Verification Support
Mechanism**

06/16/2004 HLE333 00000106 10664055

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Confirmation No.: 3239

Art Unit: 2131

Examiner: *To Be Assigned*

Atty. Docket: 1875.5100000

05 FC:1460

Petition Under 37 C.F.R. § 1.47(a)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a), Petitioner has filed herewith the following documents:

- (1) An original Declaration for Patent Application executed by Geoff Barrett, fulfilling the requirements of 37 C.F.R. § 1.47(a); and
- (2) Statement of Facts in Support of Filing On Behalf of Non-signing Inventor Under 37 C.F.R. § 1.47(a) from Thomas C. Fiala, Esq.

The Declaration for Patent Application has been signed by one of the two named joint inventors. Richard Porter has not executed the Declaration for Patent Application. Petitioner submits that the Declaration for Patent Application signed by Geoff Barrett, with the signature block of the non-signing inventors left blank, should be considered as having been signed by all of the joint inventors on behalf of the non-signing inventors. *See* M.P.E.P. § 409.03(a)(A).

The Statement of Facts in Support of Filing on Behalf of Non-signing Inventor Under 37 C.F.R. § 1.47(a) from Thomas C. Fiala, Esq., provides proof of the pertinent facts that the non-signing inventor cannot be reached after diligent effort. The Statement of Facts also indicates the last known address of the non-signing inventor

as required by M.P.E.P. § 409.03(a)(C). Petitioner therefore respectfully submits that the documents and fees filed herewith satisfy all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §§ 409.03(a), (d) and (e). Accordingly, Petitioner respectfully requests that the Petition Under 37 C.F.R. § 1.47(a) be granted and the Notice to File Missing Parts, dated December 12, 2003, be withdrawn.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala
Attorney for Petitioner
Registration No. 43,610

Date: 6/14/04

1100 New York Avenue, N.W.
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**Statement Of Facts In Support of Filing On Behalf Of Non-Signing
Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas C. Fiala, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of a non-signing inventor under 37 C.F.R. § 1.47(a) with regard to U.S. Non-Provisional Patent Application No. 10/664,055, filed September 17, 2003 (hereinafter referred to as the "patent application").

2. I am registered to practice before the U.S. Patent and Trademark Office (USPTO) with Reg. No. 43,610.

3. I am employed at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Washington, D.C. 20005-3934.

4. Mr. Richard Porter ("Mr. Porter") is an inventor named in the patent application. His last known address as of February 2, 2004, is as follows:

Top Floor Flat
11 Richmond Terrace, Clifton
Bristol, United Kingdom, BS81 AB

5. The invention(s) disclosed and/or claimed in the above-identified patent application were made while Mr. Porter was employed by Broadcom Corporation ("Broadcom"), 16215 Alton Parkway, Irvine, California, 92618.

6. On January 30, 2004, SKGF sent a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter via e-mail at rporter@broadcom.com. This was Mr. Porter's e-mail address while he was employed by Broadcom.

7. The e-mail sent to Mr. Porter on January 30, 2004 was returned to SKGF on the same day that it was sent, marked undeliverable. SKGF contacted Broadcom on the same day concerning the returned e-mail and was informed by Broadcom that Mr. Porter was no longer employed by Broadcom.

8. On February 2, 2004, Broadcom provided SKGF with the last known address for Mr. Porter, which was identified above in paragraph 4.

9. On February 12, 2004, SKGF sent a package including a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter at his last known address via Federal Express. According to Federal Express, the package could not be delivered because the intended recipient was "not available." Federal Express returned the package to SKGF on February 26, 2004.

10. On February 26, 2004, SKGF informed Broadcom that the Federal Express package mailed February 12, 2004, had been returned as undeliverable and inquired as to whether there were any other addresses at which to contact Mr. Porter.

11. On March 1, 2004, SKGF received an e-mail from Mr. Geoff Barrett ("Mr. Barrett"), a co-inventor in the above-identified patent application, indicating that Mr. Porter had "left the company and is travelling around the world." As a result, Mr. Barrett indicated that "[w]e have been trying to find a way to send him the documents but without success."

12. On March 9, 2004, Mr. Barrett provided SKGF with a new e-mail address for Mr. Porter. The new e-mail address was dung_spreader@yahoo.com. On the same day, SKGF sent a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter at this new e-mail address.

13. On May 17, 2004, Mr. Porter sent an e-mail responding to the SKGF's e-mail of March 9, 2004. In his e-mail, Mr. Porter indicated that he was currently in Cambodia and was incapable of printing out, executing, or sending the necessary documents.

14. On May 17, 2004, SKGF sent an e-mail to Mr. Porter, responding to his e-mail of the same date. In the e-mail, SKGF asked Mr. Porter if there was an address that he was currently at or would be at in the near future where he could receive a Federal Express package that included the necessary documents. SKGF indicated that a pre-paid Federal Express envelope could be included with package so that he could return the necessary executed documents.

15. On May 22, 2004, Mr. Porter sent an e-mail to SKGF responding to the e-mail of May 17, 2004. In his e-mail, Mr. Porter indicated that he would be in Ho Chi Minh city in Vietnam on the 5th or 6th of June, but that he could not provide a specific mailing address.

16. Subsequent to receiving Mr. Porter's e-mail on May 22, 2004, SKGF has not received any further communications from Mr. Porter.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala
Attorney for Applicant
Registration No. 43,610

Date: 6/14/04

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